

increased potential for interference caused by the new rules also jeopardizes the ability of emergency road service providers to implement new technologies. Currently road service providers are migrating away from voice operations and into digital data because the AERS frequencies are suitable for data communications. When road service providers were practically the only entities using these frequencies, it was possible to coordinate the switch from voice to data without interference to others. One consequence of the *Refarming Order* may be to hinder this transition to the use of digital data. With frequency sharing, other coordinators may assign the AERS frequencies to voice systems in close proximity to data systems. The resulting interference would cause the voice message to be incoherent and the digital data message could be disrupted. Similarly, AAA is working to develop vehicle location technologies that will assist AAA in responding more quickly to calls for emergency road service. The benefits to consumers from this type of technology will be reduced, however, if AAA encounters needless delays in dispatching as a result of interference that could have been avoided by a more careful license assignment.

A final concern arising out of the *Refarming Order* is trunking. In the Industrial/Business Pool it is now possible to create trunk systems. Trunk systems are the ultimate sharing device because of their ability to accommodate multiple users. For a company involved in occasional radio communications, trunk systems present an effective and efficient alternative to a proprietary system. This is why trunk systems fit so well into commercial applications, where many small businesses make use of them. Their presence in private radio, however, will only perpetuate interference concerns for certain incumbent

licensees. AAA's extensively used simplex systems would be rendered useless if a trunk system incorporating the AERS frequencies were put into use nearby. There would be two enormously active systems trying to operate using the same spectrum, resulting in total interference to each other.

B. Additional Protection is Needed for the Auto Emergency Frequencies Because of the Time-Critical Functions Performed by AAA.

As the recent incidents in Portland and Boston demonstrate, the effect of the *Refarming Order* was to replace a coordination system based on respect for incumbents with a system in which the burden is on incumbents to police the actions of other coordinators. The time that must be devoted to resolving these incidents is substantial and, unless the Commission takes some action, AAA expects it will get worse.

If all the licensees in the Industrial/Business pool were for-profit businesses providing non-safety services, this level of interference might be considered an acceptable cost of doing business. Unfortunately, that simply is not the case. As demonstrated above, AAA is a *not-for-profit* entity that provides *emergency services* to millions of drivers across the country on a daily basis. Time is of the essence to AAA and to the people it assists. The type of interference problems AAA has experienced since the *Refarming Order* took effect may be acceptable to for-profit businesses, but they are not acceptable when the safety of people's lives and property is on the line.

Based on AAA's demonstrated public service activities, and the threat to those activities caused by the lack of adequate protection from interference, AAA recommends

that the Commission provide additional protection to the AERS frequencies within the Industrial/Business Pool. One approach the Commission could take would be to restrict eligibility for these frequencies to auto clubs and emergency road service providers. The impact of frequency recommendations by coordinators that are unfamiliar with the needs of road service providers would be minimized if all the entities using the frequencies had a consistent set of needs.

An alternative approach, and one proposed by AAA in its pending Petition for Reconsideration of the *Refarming Order*, would be to return to AAA the exclusive ability to make frequency assignment recommendations for the AERS frequencies or, at a minimum, to block improper recommendations of other coordinators within the Industrial/Business Pool. This is the same relief the Commission already has granted to the other safety entities in the Industrial/Business Pool and, as shown in the next subsection, the reasons for providing protection to these entities apply to AAA as well.

C. AAA Meets All the Criteria Upon Which the Commission Relied in Giving Other "Safety" Entities Additional Control Over Coordination.

The Commission recognized the threat created by interference in the Industrial/Business Pool when it decided to provide the three quasi-public safety services (Railroads, Utilities and Petroleum) with a greater degree of control over frequency assignments. Specifically, while these three coordinators have a general obligation to allow assignment of licenses within their services, the Commission also gave them a right to block an assignment that would cause undue interference. The Commission found that

these frequencies are used to respond to “emergencies that could impact hundreds or even thousands of people” and that any failure in their “ability to communicate by radio could have severe consequences on public welfare.” The Commission determined that delays in communications on these frequencies could not be tolerated, and that it would be preferable to have license assignments in these services approved by coordinators with experience in making such assignments.

The approach advocated by AAA in this White Paper is entirely consistent with the rationale used by the Commission to justify heightened protections for the Railroad, Power and Petroleum services within the Industrial/Business Pool. Like these services, AAA uses radio frequencies to respond to “emergencies that could impact hundreds or even thousands of people,” and it does so on a daily basis. In emergency situations, any failure in AAA’s “ability to communicate by radio could have severe consequences on public welfare.” When AAA assists a local safety agency during a natural disaster, or when it handles calls from callboxes on a state highway, AAA’s operations “can take on an almost quasi-public safety function.”

D. The Relief Sought by AAA Will Cause No Harm To Current or Future Private Radio Licensees and Will Not Interfere With the Goals of the Refarming Order.

The requested relief would restore to AAA the much-needed coordination control that it had prior to the *Refarming Order*, but it will have no negative impact on any other private radio users and will not interfere with achieving the goals of the *Refarming Order*. Although AAA would regain the ability to block an assignment that would result in undue

interference, in most cases it likely would be able to accommodate an applicant that seeks to use spectrum in the AERS frequencies. AAA has a long history of sharing frequencies with other non-auto club users, in particular with public safety agencies, and there is no reason this would change if AAA is granted the relief it is seeking in its Petition for Reconsideration.

Furthermore, giving AAA this additional measure of control over coordination will not interfere with achieving the goals of the *Refarming Order*. The Commission consolidated the twenty PLMRS services into two pools in an attempt to open up spectrum that may not have been efficiently used when eligibility was limited to particular services. For example, the Commission found that frequencies in certain services were only used during particular times of day or in certain geographic locations. However, given the limited number of AERS frequencies and the substantial volume of calls handled by AAA, it is apparent that these frequencies already are being used quite efficiently.

Furthermore, the Commission already has found that this effort will not be hindered by allowing some coordinators in the Industrial Pool (Railroads, Power and Petroleum) to retain a right to block assignments. Given the small number of AERS frequencies relative to these three services -- 43 for Auto Emergency, as compared to more than 300 each for Railroads, Power and Petroleum -- the relief requested here is not likely to have any impact on any future private radio users.

E. Policymakers and Public Safety Officials Have Recognized the Valuable Role AAA Serves in Protecting the Safety of the Public.

The solution recommended by AAA is supported by the public safety community. AAA has placed on the record a number of letters from local public safety agencies supportive of increased protections for AAA and the AERS frequencies. Similarly, the Association of Public Safety Communications Officers stated in their reply comments to AAA's Petition for Reconsideration that "APCO agrees that those services (auto emergency and central station alarm) often have an important safety-related role, and would not object to either being treated in a manner similar to "public service" radio frequencies such as utility and railroad services. Such a result would be consistent with the recent Public Safety Wireless Advisory Committee report."¹⁷

This solution also is consistent with the recently-passed Balanced Budget Act of 1997 (the "1997 Budget Act"). The 1997 Budget Act generally expands the Commission's authority to assign licenses through competitive bidding when there are mutually exclusive applications. However, Congress specifically exempted licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations."¹⁸ Congress explained in the Conference Report that "[t]his service exemption also includes radio services used by not-for-profit organizations

¹⁷ Comments of APCO in Response to Petitions For Reconsideration and Clarification, PR Docket 92-235.

¹⁸Budget Act, § 3002(a)(2)(A).

that offer emergency road services, such as the American Automobile Association (AAA). The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services.”¹⁹

Although the 1997 Budget Act does not require the Commission to take any particular action with regard to refarming, two Senators responsible for that legislation have suggested that the Commission should give deference to Congress’ recognition that AAA plays a vital safety role. Specifically, Senators Conrad Burns and Byron Dorgan stated in a recent letter to Chairman Kennard that “the Commission ought to provide the same recognition of [emergency road services] in how it classifies PLMRS in the industrial/business pool” as Congress did in the 1997 Budget Act. The letter from Senators Burns and Dorgan supports the notion that AAA should be provided with treatment comparable to frequency coordinators for the Railroad, Power and Petroleum services, which also were identified by Congress as public safety radio services.

CONCLUSION

Emergency road service providers play an unsung role in assisting motorists and public safety agencies with emergencies on the nation’s roads. More than 40 million people today look to AAA to provide that safety net should they break down. AAA’s services benefit the general public as well as AAA members. AAA assists public safety agencies in times of emergencies by lending support with its radio communications

¹⁹H.R. Report 105-217 at 572. The Conference Report also identifies other public safety radio services, including the Railroad, Petroleum and Power services.

network and fleet vehicles. Public safety agencies also look to AAA to relieve some of their burden by providing an easy solution to acquiring a tow truck for an accident scene or abandoned vehicle.

None of this would be possible without the two-way radio communications infrastructure that AAA and other emergency road service entities have developed. AAA responds to almost 30 million road service requests annually. The Automobile Emergency Radio Service frequencies make efficient response times possible. Approximately 30 percent of these calls involve emergency situations where there is some risk of harm to the AAA member or public. Rapid response to these incidents requires uninterrupted communications between AAA dispatch, AAA vehicles and public safety officials.

The consolidation of the auto club and road service frequencies into the Industrial/Business Pool poses a grave threat to AAA's continued ability to provide the level of service expected by its members, the public and by public safety agencies. Under the rules established by the Commission, the ability of entities that do not understand the needs of emergency road service providers to make frequency assignments in the AERS frequencies will result in increased interference, and increased delay in the ability of road service providers to respond to emergency situations. Congress has recognized in recent legislation that road service as a valuable safety service to the public, and the Commission should do the same by providing the AERS frequencies with an appropriate level of protection from harmful interference.

ATTACHMENT 1

Table of AERS Frequencies

Frequencies for the use of private emergency road service for disabled vehicles by associations of owners of private automobiles (auto clubs):

150.905, 150.920, 150.935, 150.9425, 150.950, 150.9575, 150.965, 150.9725,
452.5125, 452.525, 452.53125, 452.53750, 452.54375, 452.550, 452.55625,
452.56250, 452.56875, 452.575, 452.58125, 452.58750, 452.59375, 452.600,
452.60625, 452.61250, 452.61875 MHz

Frequencies for the use of businesses providing to the general public an emergency road service for disabled vehicles (independent towing, recovery and locksmiths):

150.815, 150.830, 150.845, 150.8525, 150.860, 150.8675, 150.875,
150.8825, 150.890, 150.8975, 157.470, 157.4775, 157.485, 157.4925,
157.500, 157.5075, 157.515, 157.5225 MHz